

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Marlin Thomas,

Petitioner,

v.

Case No. 1:12cv878

Warden, Warren Correctional
Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on January 22, 2014 (Doc. 16).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation (Doc. 16) in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation (Doc. 16) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 16) of the Magistrate Judge is hereby **ADOPTED** consistent with the Recommendation by the Magistrate Judge.

Any request for certificate of appealability or request to certify an appeal would not be taken in good faith and would be denied.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge